

1 BILL NO. ~~X~~-82-09- 31 (to amended) (to known as)

2 ANNEXATION ORDINANCE NO. X- 04-B2

3 AN ORDINANCE annexing certain territory  
4 commonly known as the Colony Bay Annexation  
5 Area to the City of Fort Wayne, Indiana  
6 and including the same in Councilmanic District  
7 No. 4.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
9 FORT WAYNE, INDIANA:

10 SECTION 1. That the following described territory be,  
11 and the same is hereby, annexed to and made a part of the cor-  
12 poration of the City of Fort Wayne, Indiana, to-wit:

13 Parts of Section 7 and 18, Township 30 North,  
14 Range 12 East, all in Allen County, Indiana;  
to-wit:

15 Commencing at the intersection of the north  
16 right-of-way line of Covington Road and the east  
17 right-of-way line of Getz Road; thence north along  
18 the east right-of-way line of Getz Road to the  
19 east-west center line of Section 7, Township  
20 30 North, Range 12 East; thence west along said  
21 east-west center line a distance of 80 feet to  
22 the west right-of-way line of Getz Road; thence  
23 north along said west right-of-way line a distance  
24 of 280 feet to the northeast corner of Lot #8  
25 Covington Acres Amended Addition to the City of  
26 Fort Wayne; thence west along the north line of  
27 said lot to the northwest corner of said Addition,  
28 which is also the northwest corner of said Lot  
#8; thence south along the west line of said  
Addition to the east-west center line of Section  
7, Township 30 North, Range 12 East; thence west  
on said center line to the Township Line which  
is also the west line of Section 7, Township 30  
North, Range 12 East; thence south on the Township  
Line to the north right-of-way line of Jefferson  
Blvd. (U.S. Highway 24); thence northeasterly along  
said right-of-way line to the north right-of-way  
line of Covington Road; thence west along said  
north right-of-way line to the point of beginning.  
The area contains 177.41 acres, more or less.

29 SECTION 2. The City of Fort Wayne will furnish the  
30 above described territory within a period of one (1) year from  
31 the effective date of annexation, planned services of a non-  
32 capital nature, including police protection, fire protection,

1 street and road maintenance, in a manner which is equivalent in standard and  
2 scope to those non-capital services provided to areas within the City which  
3 have similar topography, patterns of land utilization, and population density  
4 to the said described territory. The City of Fort Wayne will also provide  
5 services of a capital improvement nature, including street construction,  
6 street lighting, sewer facilities, water facilities and stormwater drainage  
7 facilities to the annexed territory within three (3) years of the effective  
8 date of annexation in the same manner as such services are provided to areas  
9 already in the City with similar topography, patterns of land utilization  
10 and population density, and in a manner consistent with federal, state and  
11 local laws, procedures and planning criteria.

12 SECTION 3. Governmental and propriety services will be provided  
13 to the above described territory in a manner consistent with the written  
14 Fiscal Plan for the territory developed by the Department of Community  
15 Development and Planning. Said Plan was examined by the Common Council  
16 and is approved and adopted by the Common Council by the passage of this  
17 Ordinance.

18 SECTION 4. Said described territory shall be part of City  
19 Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as  
20 described in Division 1, Section 2-9 of Chapter 2 of the Municipal Code  
21 of the City of Fort Wayne of 1974, as amended.

22 SECTION 5. After its passage, approval by the Mayor, final  
23 publication, and the required sixty (60) days remonstrance period, this  
24 Ordinance shall be in full force and effect on December 31, 1984, except  
25 for the following described territory in which case it shall be in full  
26 force and effect on December 31, 1986:

27 Part of the Fractional Northwest Quarter of Section 18,  
28 Township 30 North, Range 12 East, Allen County, Indiana  
described as follows to-wit:

29 Commencing at the Northwest corner of said Fractional  
30 Quarter Section; thence East on the North line of said  
Quarter Section as defined by the centerline of the  
Covington Road, a distance of 956.5 feet; thence  
31 Southeasterly by a deflection right of 54 degrees 14  
minutes, a distance of 205.9 feet; thence Northeasterly  
32 by a deflection left of 86 degrees 48 minutes, a distance

1 of 16.5 feet; thence Southeasterly by a deflection  
2 right of 90 degrees 00 minutes along the centerline  
3 of the Flaugh Drain, a distance of 339.2 feet; thence  
4 Southwesterly by a deflection right of 86 degrees. 43  
5 minutes, a distance of 250.1 feet; thence continuing  
6 Southwesterly, a distance of 68.1 feet to a point  
7 situated 179.3 feet Northwest of the right-of-way  
8 line of U.S. Highway No. 24, now known as West Jefferson  
9 Boulevard; thence continuing Southwesterly, a distance  
10 of 424.9 feet to a point situated 200 feet Northwest  
11 of said right-of-way line; thence Southeasterly by a  
12 deflection left 90 degrees 16 minutes, a distance of  
13 200.0 feet to the said right-of-way line of U.S. Highway  
14 No. 24; thence South 51 degrees West by a deflection  
15 right of 89 degrees 31 minutes on the right-of-way  
16 line aforesaid, a distance of 667.4 feet; thence  
17 continuing South 57 degrees West on said right-of-way  
18 line, a distance of 148 feet; thence continuing South 51  
19 degrees West on said right-of-way line, a distance of  
20 203 feet to the West line of said Quarter Section;  
21 thence North on the line aforesaid, a distance of 1685.3 feet  
22 to the point of beginning: containing 31 acres, more or less.

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*Janet L. Bradbury*  
Councilmember

*Approved as to form  
and legality.*

*John H. Logan, Attorney for  
the common council*

Page Two

street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and storm-water drainage facilities to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. Governmental and propriety services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of City Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division 1, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne of 1974, as amended.

SECTION 5. After its passage, approval by the Mayor, final publication, and the required sixty (60) days remonstrance period, this Ordinance shall be in full force and effect either on December 31, <sup>1984, (S.H.S.)</sup> ~~1984~~, or sixty (60) days after final publication, whichever is later.

  
Councilmember

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APPROVED AS TO FORM  
AND LEGALITY



Bruce O. Boxberger, City Attorney

1500 Wilson Drive  
St. Louis, MO 63104

Read the first time in full and on motion by Bradbury, seconded by B. Schuch, and duly adopted, read the second time by title and referred to the Committee on legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 9-14-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by B. Schuch, and duly adopted, placed on its passage. PASSED (~~lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BRADBURY - T</u>	<u>X</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>X</u>	_____	_____	_____	_____
<u>GIAQUINTA -</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>X</u>	_____	_____	_____	_____
<u>SCRUGGS</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 12-28-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (GENERAL) (ANNEXATION) (SPECIAL)

(~~APPROPRIATION~~) ORDINANCE (RESOLUTION) NO. X-04-82

on the 28th day of December, 1982.

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR



*AS AMENDED*  
*As Amended*

*Held until:*  
*11/16/82 Dec. 81*

BILL NO. X-82-09-31

REPORT OF THE COMMITTEE ON ANNEXATION

WE, YOUR COMMITTEE ON Annexation TO WHOM WAS REFERRED AN  
ORDINANCE annexing certain territory commonly known as the Colony Bay  
Annexation Area to the City of Fort Wayne, Indiana and including  
the same in Councilmanic District No. 4

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY - CHAIRMAN

*Janet G. Bradbury*  
*D. Schmidt*

DONALD J. SCHMIDT - VICE CHAIRMAN

BEN A. EISBART

*Ben A. Eisbart*

MARK E. GIAQUINTA

PAUL M. BURNS

*Paul M. Burns*

*12-28-82*  
DATE CONCLUDED IN  
CHARLES V. CITY CLERK



DIGEST SHEETTITLE OF ORDINANCE Ordinance for Colony BayDEPARTMENT REQUESTING ORDINANCE Community Development & PlanningSYNOPSIS OF ORDINANCE Ordinance annexes said territory to the City of Fort Wayne.

The annexation area contains approximately 177 acres and is bounded on the eastern side by the City. The basis for annexing this area is the provision of state law that allows the annexation of an area if it is at least one-eighth (1/8) contiguous to the City and if it has at least one of the following three characteristics: (1) the territory is zoned for commercial, business or industrial uses; (2) has at least three persons per acre; and (3) is at least sixty percent (60%) subdivided. This annexation is twenty-four percent (24%) contiguous and it meets two of the three requirements mentioned above: it has land that is zoned for commercial use, and has 7.8 persons per acre.

EFFECT OF PASSAGE Described territory will become part of the City. In addition, annexation will expand the City's tax base and will allow the City to keep pace with urban growth. Finally, because the existing City boundaries in this area are irregular, this annexation will expedite the efficient delivery of urban services.

EFFECT OF NON-PASSAGE

The area will not become part of the City

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) To be explained by the Fiscal Plan, which will be prepared by the Department of Community Development & Planning.

ASSIGNED TO COMMITTEE (PRESIDENT)



# Memorandum

To Members of the Common Council Date October 26, 1982  
From Michael Graham, Planner II, CD & P  
Subject Colony Bay Annexation

## COPIES TO:

Common Council  
John Logan

On October 25, 1982, the City Plan Commission passed a resolution recommending that the Colony Bay Annexation, Bill No. X-82-09-31 and Resolution No. R-82-09-32 be given a DO PASS. A copy of the Commission resolution and the annexation fiscal plan are attached for your consideration. The ordinance and annexation resolution have been returned to the Council for action.

Attachments

MG/keys



# The City of Fort Wayne

October 26, 1982

TO: The Common Council  
City of Fort Wayne

RESOLUTION  
OF THE  
CITY PLAN COMMISSION

BE IT HEREBY RESOLVED that the City Plan Commission recommends  
DO PASS for the Colony Bay annexation. Annexation Bill No. X-82-09-31 and  
Resolution No. R-82-09-32.

Certified and signed this  
26th day of October, 1982.

Dennis Grotrian  
Secretary

CONSTITUTION DR  
(PRIVATE)

BRIGHTON MEADOWS  
(PRIVATE)

LOIS LANE

MAURANE DR

WILKIE DR

CENTER SHEPLEY DR

NORTHIDGE RD

BELLAIR RD

SOUTH BLVD

FAIRWAY DR

WESTLAWN DR

JEFFERSON BLVD

WASHINGTON BLVD

MAURANE CLUB COURT

WAYNE CLUB

ST. LOUIS, MO

THE CITY OF FORT WAYNE

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## SECTION ONE - BASIC DATA

### A. LOCATION

The area proposed for annexation is located west of the City of Fort Wayne and is bounded on the north by Constitution Drive, on the south by Jefferson Boulevard (U.S. 24), on the west by the Wayne Township line, and on the east by the City. The annexation area is depicted in greater detail on the cover of this report.

### B. SIZE

The Colony Bay annexation area encompasses approximately 179 acres.

### C. POPULATION

Advanced report figures from the 1980 Census of Population and Housing show that there are 2.44 persons per dwelling unit in the part of Wayne Township that is outside of Fort Wayne. Multiplying this figure by the estimated 570 dwelling units in the annexation area, the population of the annexation area is calculated to be 1,391 persons.

### D. BUILDINGS

Single-family homes	37 units in good condition
Apartments	495 units in good condition
Condominiums	38 units in good condition
Commercial/Institutional	15 units in good condition

### E. LAND USE

	<u>Acres</u>	<u>Percent</u>
Residential	90	50.2%
Commercial	24	13.4%
Agricultural/Vacant	50	27.9%
Streets	15	8.4%

### F. ZONING

The Colony Bay area has nine different zoning classifications (see Figure 1). Upon annexation, the land will be under the jurisdiction of the City Plan Commission and will be classified as follows:

County		City	
RS1	Suburban Residential	R1	Single Family Residential
RS3	Multiple Family	R3	Multiple Family
C1	Limited Commercial	B1B	Limited Business (B)
C1(P)	Limited Commercial	B1B	Limited Business (B)
C2C	Metropolitan Shopping Center	B2C	Metropolitan Shopping Center
C4	Roadside Commercial	B4	Roadside Business
C6	Drive-In Facility	B4	Roadside Business
C1A	Professional Services	B1A	Limited Business District A
C2A	Planned Neighborhood Shopping Center	B2A	Neighborhood Shopping Center

## ZONING

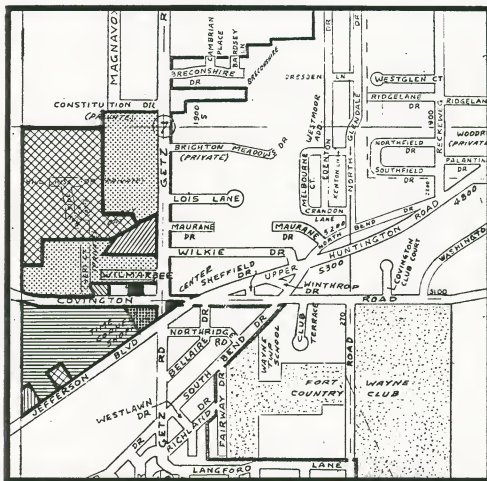


Figure 1

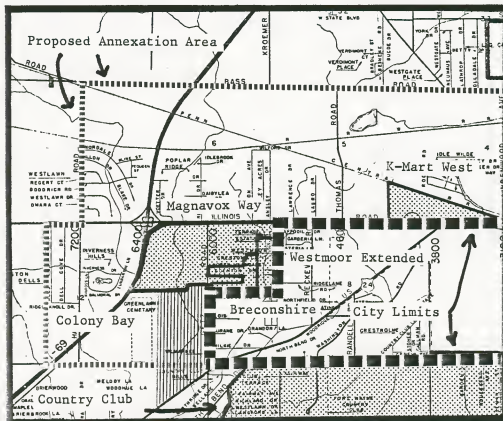
RS1		C2A	
RS3		C2C	
C1		C4	
C1A		C6	
C1(P)			

## SECTION TWO - THE COMPREHENSIVE ANNEXATION PROGRAM

The annexation of the Colony Bay area is part of a larger, comprehensive annexation program that was promulgated in a report prepared by the Department of Community Development and Planning in 1975 and which was subsequently updated in 1976. The Annexation Policy and Program Study was the culmination of a year and a half of extensive study and is used as a policy guide for the City's annexation program. The report recommends that "all urban land contiguous to the City Limits should become part of the City" as should "all non-urban land required to complement the annexation of urban land and provide the ability to control and manage urban growth". Because the Colony Bay area met this criteria in 1975-76, the report identified it as part of a larger area which was recommended for annexation. Of course, with the growth that has taken place in the area since then, the case for annexation is even stronger in 1982.

Also identified in the recommended annexation area, described in the report as WAY-1, are the areas known as K-Mart West (since annexed), Breconshire (since annexed), and Westmoor Extended (since annexed). In addition, the Magnavox Way annexation has been approved by the City Council and is in the sixty day remonstrance period. The remonstrance period ends October 12th, and as of that date, the Magnavox Way area will be either in the city or in court. Figure 2 shows the WAY-1 annexation area and the annexations which have occurred or are pending since the report was prepared. Also shown in Figure 2 is the Country Club Annexation Area, which came into the city on May 14, 1982.

Figure 2



### ANNEXATIONS IN WAY-1



## SECTION THREE - STATE LAW REQUIREMENTS

### A. Introduction

When annexing an area, the municipality must be sure that the proposed annexation is in accordance with state statutes. The existing state law (IC 36-4-3-13) stipulates that an annexation is valid if the proposed annexation area is at least one-eighth contiguous to the municipality and if any one of three conditions exist: (1) if the population density is at least three persons per acre; (2) if sixty percent of the annexation area is subdivided; or if (3) the area is zoned for commercial, business, or industrial uses. In addition, the municipality must prepare a fiscal plan. Among other things, the fiscal plan should provide cost estimates of the services to be furnished to the annexed territory, together with the methods for financing such services. This document provides this information and, in doing so, meets the state law requirements.

### B. Contiguity

Figure 3 illustrates the length of the external boundaries of the annexation area. As can be seen, twenty-four percent of the annexation area's boundaries are contiguous to the City. Therefore, this annexation easily meets the contiguity requirements mandated by state statute, as it is almost double the required 12.5%.

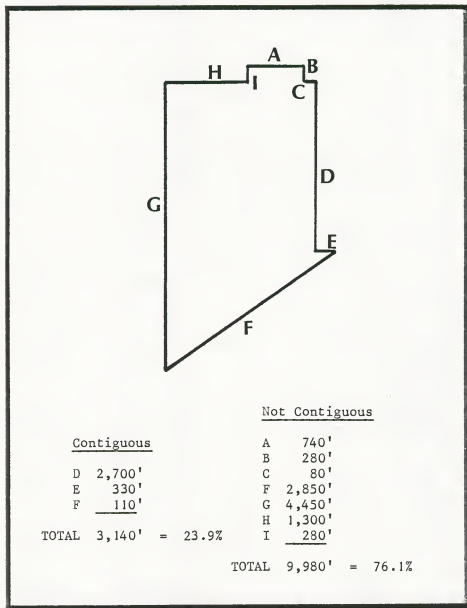
### C. Population Density

There is an estimated 1,391 persons residing in the annexation area. The annexation area is 179 acres. Therefore, the annexation area contains 7.8 persons per acre. This is more than double the population density required for valid annexations!

### D. Commercial Zoning

In addition to the population density requirement, the annexation area also meets the third option mentioned above in that it is zoned for commercial use.

Figure 3



# CONTIGUITY

## SECTION FOUR - PLANNING CRITERIA

In addition to the legal requirements that must be met for an annexation to be valid, the planning analysis of the staff of the Department of Community Development and Planning provides additional reasons why the annexation of the Colony Bay area should take place: (1) more efficient service provision; (2) physical development; (3) economic development; and (4) planning control. This section will examine these reasons.

### A. More Efficient Service Provision

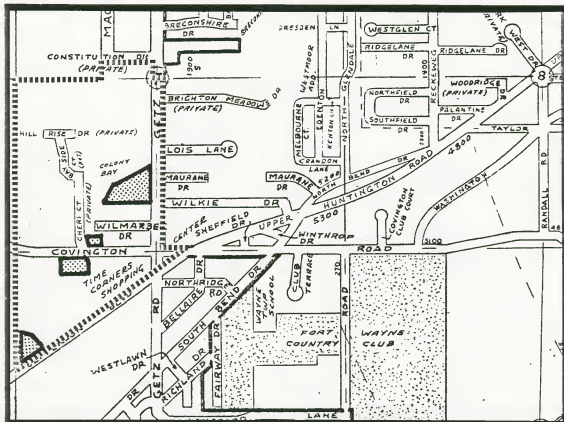
The Colony Bay area is needed so that the City can provide services more efficiently due to economies of scale. The concept of Economies of scale works something like this: if the City of Fort Wayne invests in a fire station, a pumper, and the minimal manpower necessary to respond to a fire 24 hours a day, it is most efficient to utilize these resources to their fullest capacity. Therefore, if such a hypothetical station has a range of response of three miles in all directions and the jurisdiction of the station is limited to two miles, the station is being under-utilized. This is the case in the Colony Bay area. Both the Fort Wayne Police and Fire Departments have stated that they can provide services to the annexation area with no increase in manpower and with minimal or no increases in expenditures. Therefore, the annexation of the Colony Bay area will enable both departments, as well as other service agencies, to utilize their excess capacity, and will reduce the cost of services for the thousands of Fort Wayne residents.

### B. Physical Development

The population of the Fort Wayne Standard Metropolitan Statistical Area is increasing, while the population of the City of Fort Wayne is decreasing (see Table 1). This apparent anomaly is explained by the fact that many people who leave the City are relocating in areas adjacent to it. Because of this decentralization, areas adjacent to the City have experienced considerable development and the Colony Bay area is no exception. The Colony Bay apartment complex, which has 495 residential units, was constructed in 1969. Another major development, the construction of the Covington Plaza Shopping Center, also occurred in 1969. In 1974, a retail store was built along Covington Road and 38 condominium units were added to the Colony Bay complex. In 1975, the Zesto Ice Cream Shop was built and the Covington Veterinary Hospital was expanded. Jorgensen's Sporting Goods store was constructed in 1976 and expanded in 1977. The building occupied by the Home Loan and Savings Association was also constructed in 1976. Finally, in 1977, there was an addition to the medical building in Covington Plaza.

Because of this development, there have been numerous rezoning proposals, and five areas have been rezoned from residential to commercial since 1974. These areas are shown in Figure 4. In addition, several variance requests, such as putting an insurance office or a real estate office in RS-1 districts, have been denied.

Figure 4



## REZONINGS: RESIDENTIAL TO COMMERCIAL

What all of this activity clearly shows is that the annexation area is urban in nature. Indeed, with a population density of 7.8 persons per acre, this area is more residentially developed than many areas that are already in the City. In fact, this area has a population density that is higher than any of the last 10 annexations to the City of Fort Wayne.

The Colony Bay annexation area is not only urban in terms of its population density, but as the development of the area shows, it is also providing a significant amount of commercial space for the metropolitan area and with the approval given for the final development plans of the Covington Plaza Fashion Mall, the ties between this area and the City will become even greater.

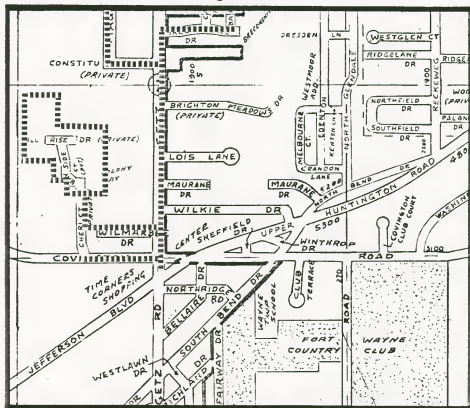
The adjacent growth described above has been promoted by both the City and the Allen County Plan Commission. A position taken in the Allen County Comprehensive Plan is that adjacent growth promotes the full utilization of vacant land contiguous to the City of Fort Wayne and discourages scattered land development.<sup>(1)</sup> Growth in this fashion minimizes the costs of utility and facility costs and generally promotes the efficient delivery and use of all urban services. The Fort Wayne City Plan Commission's policy, articulated in the 1975-76 Annexation Policy and Program Study, is that all "urban" land contiguous to the city limits should become part of the city. In addition, all non-urban land required to complement the annexation of urban land and provide the ability to control and manage urban growth should become part of the city.

Physically, the Colony Bay area is united with the City of Fort Wayne. The Fort Wayne Water Department has extended services into the area, and has the capability to increase their services in this area as they are desired. In addition, the Colony Bay area is part of the Urban Service area that has been identified in the Fort Wayne Comprehensive Plan. Finally, the Colony Bay area is needed by the City of Fort Wayne because it will provide a vital link with other urbanized areas on the West Central side of Fort Wayne. The annexation of Colony Bay will strengthen the City's attempts to incorporate these, and other, urban areas linked to Fort Wayne.

### C. Economic Development

One of the most serious problems confronting Fort Wayne is finding ways to maintain urban services at specific minimum levels in the face of declining revenue and population losses. The gravity of this problem can easily be seen when looking at socioeconomic trends in Fort Wayne-Allen County. Fort Wayne's percentage of the total Allen County population has been steadily decreasing. In 1960, the City had 70 percent of Allen County's population; by 1980, that percentage was down to 58 percent (see Table 1). These figures would have been even lower if a number of annexations had not taken place. For example, subtracting the 30,000 people who have been annexed over the past two decades, the 1980 population of Fort Wayne would be 142,196 (a decrease of 19,580 since 1960), while the population for the rest of Allen County would be 152,139 (an increase of 81,719 since 1960).

Figure 5



WATER LINES

Table 1

FORT WAYNE			ALLEN COUNTY		TOTAL
POPULATION					
1960	161,776	70.0%	70,420	30.0%	232,196
1970	177,671	63.4%	102,784	36.6%	280,455
1980	172,196	58.5%	122,139	41.5%	294,335
ELDERLY POPULATION (65+)					
1960	15,245	78.3%	4,230	21.7%	19,475
1970	18,240	76.4%	5,634	23.6%	23,874
1980	Not Presently Available				
MEDIAN FAMILY INCOME					
1960	\$ 6,492		\$ 6,732		
1970	\$10,401		\$12,627		
1980	Not Presently Available				
FAMILIES RECEIVING PUBLIC ASSISTANCE INCOME					
1970	1,364	81.7%	306	18.3%	1,670
FAMILIES WITH FEMALE HEAD OF HOUSEHOLD					
1970	5,201	81.8%	1,154	18.2%	6,355
POPULATION RECEIVING SOCIAL SECURITY INCOME					
1970	18,872	76.3%	5,866	23.7%	24,738
FAMILIES WITH INCOMES LESS THAN POVERTY LEVEL					
1970	2,750	76.8%	833	23.2%	3,583

## FORT WAYNE/ALLEN COUNTY SOCIOECONOMIC CHARACTERISTICS

Source: General Social and Economic Characteristics, Indiana (1970),  
U.S. Bureau of the Census.  
1980 Census of Population and Housing, Indiana (Advance  
Reports), U.S. Bureau of the Census.

These shifts in population, with the resultant loss of income, have made it exceedingly difficult for the City to provide adequate services. Compounding this problem is the fact that the City has been shouldering a disproportionate share of the metropolitan area's social problems. This fact is clearly shown in Table 1. For example, in 1970, the City, with only 63% of the County's population, had 82% of all families in Allen County that received public assistance income. In addition, 77% of all Allen County families that had incomes below the poverty level resided in the City in 1970. Finally, Fort Wayne also had 82% of all families that had a female head of the household and 76% of the Allen County population that received social security in 1970.

The impacts of these demographic changes in Fort Wayne-Allen County have been inequitable. Because of the population shifts and the fact that a disproportionate number of the economically disadvantaged live in Fort Wayne, city residents are required to pay higher taxes than suburban residents. However, they are less able to accommodate the higher taxes than their suburban counterparts because, as Table 1 shows, the median family income for the City was \$2,226 less than the median family income for Allen County in 1970. To make matters worse, the evidence suggests that not only do city residents pay higher taxes because they support disproportionate numbers of the economically disadvantaged, but they pay higher taxes because they are also subsidizing a large segment of the suburban population.

Although it is very difficult to document the exact extent of this subsidization, it is clear that, every day, large numbers of suburban residents consume significant quantities of police, fire, park, and street services from the City of Fort Wayne while not paying their fair share. For example, an examination of the accident reports prepared by the Fort Wayne Police Department for the week of October 4-10, 1981, shows that they responded to 135 accidents in the City. Of the 129 reports in which the address of the person (or persons) involved in the accident could be determined, it was discovered, that 44 police runs were made to assist county residents. Thus, thirty-four percent of the accident runs made by the Fort Wayne Police Department in this week were made to assist county residents. It is worth noting that the budget of the Police Department is comprised primarily of funds received from the City's General Fund. City residents pay \$2.361 per every \$100 of assessed property valuation for this fund, whereas county residents do not contribute to this fund.

The fact that suburban residents of Fort Wayne require such a large amount of police service may surprise some people, particularly those suburban residents who claim they never use city services. However, it tends to confirm that the City of Fort Wayne is a social, recreational, governmental, economic, educational, and cultural center for the entire metropolitan region and, as such, it provides numerous services to non-city residents. Another piece of research provides further confirmation of this fact. Using data obtained from the 1980 Polk Directory, it was discovered that 72% of the employees in the Colony Bay Annexation Area worked in the City of Fort Wayne.



In view of these facts, it is clear that the annexation of the Colony Bay area is a rational and reasonable attempt by the City of Fort Wayne to alleviate many of the economic problems confronting it.

#### D. Planning Control

The Colony Bay area is also needed by the City of Fort Wayne so that it will have planning and zoning control over the area. This is important because the City, being an urban area, has planning and zoning standards that are more attuned to urban areas adjacent to the City. On the other hand, the county, which has large amounts of agricultural land, has standards that are more attuned to a rural life style.

For example, all residential zones in the County -- RS1, RS2, and RS3 -- allow all uses which are permitted in the Agricultural District (A1). However, the City Zoning Ordinance restricts agricultural uses from its comparable districts -- R-1, R-2 and R-3. Also, for some development specifications, such as sidewalks and street lights, the City has more stringent development standards.

It makes sense, of course, to have distinct standards for urban and rural uses. What does not make sense is to allow areas that are within the sphere of influence of Fort Wayne, and which are, or will be, urban in nature, to be subjected to standards which are not suitable for urban development and which will only cause problems in the long run.

#### E. Conclusion

The Colony Bay Annexation Area should be annexed into the City of Fort Wayne because it meets the annexation test that has been established by the State Legislature: The annexation area is twenty-four percent contiguous to the city and is (1) zoned for commercial uses and (2) has a population density of 7.8 persons per acre. In this regard, the proposed annexation area is more urban than many areas that are within the city limits.

In addition to meeting applicable state law requirements, the annexation of this area also meets rational planning criteria, such as service provision, physical and economic development, and planning control.

Recently, there has been considerable concern expressed about the closing of the International Harvester Plant. Even though this company is not located in the City, most people realize that the closing of this plant would create a considerable adverse impact throughout the entire metropolitan region. Yet, as harmful as the closing of the International Harvester Plant may be, its impact would be miniscule when compared to the impact that the metropolitan region would face if the City of Fort Wayne would be unable to provide adequate services to its businesses and residents. If, due to inadequate services and a lack of amenities, the City could not attract and retain businesses and residents, the adverse impact upon the suburban areas would be staggering. In such a case, even those residents who argue that they should not pay higher taxes because

they do not use city services would be quick to realize, through the loss of their jobs and the depreciation of their property, that they are members of the metropolitan community and that their prosperity is dependent in large part upon the continued prosperity of Fort Wayne.

Because the City of Fort Wayne is cognizant of this mutual interdependence, it has devised an annexation program. This program has been devised to ensure that the City continues to prosper or, at least, does not decline. Annexation will reduce the inequities that exist by ensuring that suburban residents pay for their fair share of urban services. In turn, the rates paid by city residents will be reduced because they will not be subsidizing "free riders". Finally, the annexation program will enable the city to provide the urban services that are so essential to the economic well-being of the metropolitan region. Thus, the City of Fort Wayne needs the Colony Bay Annexation Area so that it can develop into a more responsive city fiscally, economically, socially, and culturally.

#### Footnotes

<sup>1</sup>The Comprehensive Plan of Allen County, Indiana, The Allen County Plan Commission, Volume Six, pp. 35-36.

## SECTION FIVE - MUNICIPAL SERVICES

This section of the Fiscal Plan forecasts the costs and methods of financing services for the Colony Bay Annexation Area. The plan also describes how and when the City plans to extend the services of non-capital and capital improvement natures. As will be seen, the explanations of the above provisions satisfy the requirements of Indiana State Law.

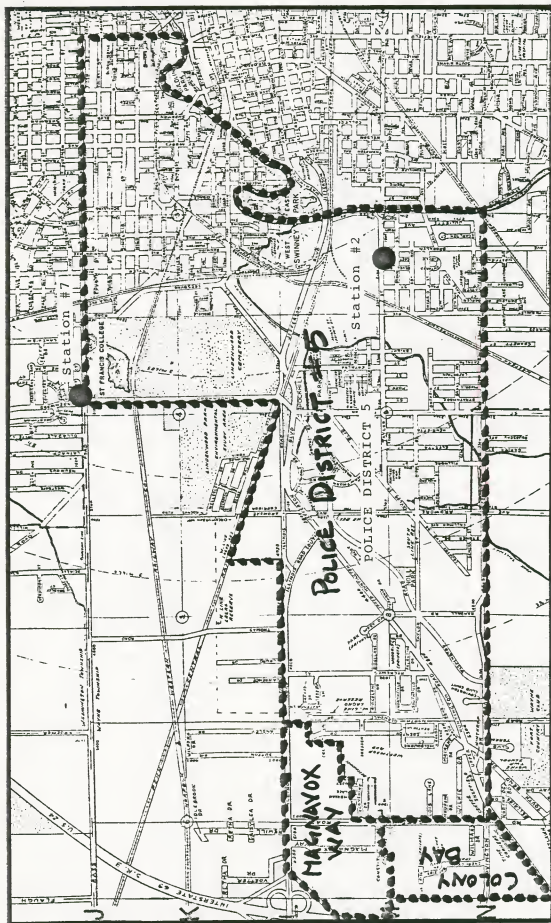
The municipal services described in this section are analyzed according to the needs of the Colony Bay Annexation Area, along with the costs of providing these services and the funding sources. As required by state law, Colony Bay will be treated equally with other City areas and will receive urban services in the same manner as other areas within the City. However, because the City does not employ different service standards for different areas of the City, the annexation area is compared with the service standards as they exist for the entire City. The City of Fort Wayne will provide services of a non-capital nature, including police and fire protection, emergency medical service, traffic control, solid waste collection, and street and road maintenance within one year after the effective date of annexation. Street lighting and street construction will be provided in accordance with the standard processes of the City, which include petitioning and financial participation by property owners. The water, sewer, and drainage services of the Fort Wayne City Utilities will be made available to the area in conformance with relevant state law and utility policies. Existing facilities of the Fort Wayne Parks and Recreation Department will also be available to residents of the area upon annexation. Park development within the annexation area is contingent upon the park planning standards and methods used throughout the City.

### A. POLICE

The services provided by the Fort Wayne Police Department include the prevention of crime, the detection and apprehension of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, the resolution of day-to-day conflicts among family, friends, and neighbors, and the creation and maintenance of a feeling of security in the community. The Police Department is also involved in legal work, such as participation in court proceedings and protection of constitutional rights. It is also responsible for the control of traffic and the promotion and preservation of civil order.

District 5 will be expanded to cover the Colony Bay Annexation Area (see Figure 6). The Police Department keeps tabulation on the percentage of personnel and equipment necessary for the City's annexation program, and has determined that additional personnel are not required for this particular annexation. A maximum number of 11 patrols is forecast for the annexation area within a 24-hour period. The A & C shifts will make a maximum of four patrols while the B shift will make a maximum of three patrols. Even though there will be daily variations, the Chief of Police will routinely monitor the situation and will make the necessary adjustments in patrol districts, patterns, and manpower so that response time to high priority calls will be approximately three minutes -- which is standard for the City.

Figure 6



POLICE AND FIRE SERVICE

The costs to provide police protection to Colony Bay will be \$2,409 a year. This cost is based on a maximum of eleven patrols in a 24-hour period. To arrive at the total cost for police services, the number of street miles in the annexation area are calculated and multiplied by the travel cost per mile. Funding for police manpower and equipment to be used for the annexation area will come from the regular Police Department budget which is derived primarily from local property taxes through the General Fund. Money allocated to the General Fund can be used for this budget and these services.

ESTIMATED ANNUAL COST: \$2,409

#### B. FIRE DEPARTMENT

The Fort Wayne Fire Department will be responsible for providing services to the Colony Bay Annexation Area within one year after the annexation date. The services provided include fire protection and suppression, emergency rescue, and fire prevention. The first responding fire companies will be from Station 2 at 2023 Taylor Street and Station 7 at 1602 Lindenwood Avenue. If needed, backup response will come from Station 1 at 419 East Main Street.

This particular annexation will not require a new fire station nor will it require additional personnel and equipment. The only additional expense that is expected will be from operating costs for such items as postage, printing, photography, and gasoline. However, the operating costs will be minimal considering that the Colony Bay Annexation Area will be only a fraction of the total area serviced by the City. Funding for the operating costs will come from the Fire Department budget through the General Fund.

ESTIMATED ANNUAL COST: \$230.00

#### C. EMERGENCY MEDICAL SERVICE (EMS)

At the present time, the Emergency Medical Service provides Basic Life Support service only to City residents. Therefore, residents in the Colony Bay Annexation Area will receive this service within one year after the annexation date. EMS is presently providing Advance Life Support (ALS) service to the entire county. Consequently, annexation will not affect the delivery of Advanced Life Support service and the residents of Colony Bay will continue to receive ALS service after annexation.

Using service run records of the past several years, as many as six EMS ambulances will be stationed at different locations throughout the community. Upon receiving a request for service from Colony Bay, the ambulance closest to the area will be dispatched to the annexation area. In addition, for some emergencies, such as heart attacks, the Fort Wayne Fire Department will provide extra assistance. Primary assistance will come from Station 7 and Station 2. Secondary assistance from the Fire Department will come from Station 1. The Fire Department trains a number of its personnel so that each fire station has an emergency medical technician. Therefore, if needed, firemen are able to administer medical treatment to residents before the ambulance arrives.

The method of financing Emergency Medical Service is based on charging residents who use the service. The charge is \$65 for non-emergency runs and \$120 for emergency runs. This method of financing permits EMS service to be extended to Colony Bay with its existing budget and no additional manpower or equipment will be needed to service the annexation area.

ESTIMATED ANNUAL COST: \$0

#### D. SOLID WASTE DISPOSAL

The City of Fort Wayne will provide garbage collection to the Colony Bay area within one year after the annexation date. The City currently contracts with National Serv-All and SCA Services of Indiana to provide this service. The proposed annexation area will be served by National Serv-All. According to the contract, the City is charged \$30.12 per household per year by National Serv-All for single family and duplex housing. In multiple family developments, the costs for solid waste collection are \$27.36 for every unit. Since the Colony Bay annexation contains 37 single family units and 533 multiple family units, garbage disposal for the area will cost the City \$15,697.32 a year. The collection service will be financed by the City's Garbage Disposal Fund which comes from the General Fund.

ESTIMATED ANNUAL COST: \$15,697.32

#### E. TRAFFIC CONTROL

The City's Traffic Engineering Department will assume responsibility for traffic control in the Colony Bay area within one year after the annexation date. Some of the services that can be provided by the department are surveys and investigations of traffic conditions and problems. The department can also recommend the solutions to traffic control problems. Finally, the department provides installation and maintenance of traffic control devices such as stop lights, control signs, and fire alarm systems.

The Traffic Engineering Department will not require additional personnel to perform its services in the Colony Bay Annexation Area. As the traffic signs in the annexation area are adequate, there are no capital costs associated with this annexation. Operating costs will be \$686.75 for a paint program to line some of the streets in the annexation area. Funding sources for these services will be from real estate taxes, Motor Vehicle Highway (MVH) funds, and Revenue Sharing funds.

ESTIMATED ANNUAL COST: \$686.75

F. STREETS AND ROADS

The incorporation of Colony Bay will add 1.14 miles of residential roads to the City's street system. The streets within the annexation area are listed below, followed by their classification and their condition.

Table 2

STREET	CLASSIFICATION	CONDITION
Covington Road	Arterial	Good-Poor
Getz Road	Arterial	Good
Wilmarbee Drive	Residential	Fair

**ROAD CLASSIFICATION**

The Fort Wayne Street Department will be responsible for the general maintenance of the streets listed in Table 2 within one year after the annexation date. The Street Department will provide snow and ice removal, leaf pick-up, surface maintenance, and will also mow along the roadsides. The Street Department will also provide engineering services and construction supervision for all streets, alleys, and sidewalks that will be constructed within the proposed annexation area. The provision of these services to the annexation area will not require any additional personnel or equipment, and they will be similar to those services already provided to the rest of the city. The average cost of general street maintenance is \$2,500 per mile of street per year, so the Colony Bay annexation will cost the City approximately \$2,850 a year in street maintenance costs. The source of funding for street maintenance is the Street Department budget which is composed of funds from Motor Vehicle Highway (MVH), Federal Aid Urban (FAU), and Local Arterial Roads and Streets (LARS) programs.



Besides the maintenance services just discussed, the Street Department will improve streets upon receipt of a petition from the property owners. Arterial and often collector streets can be improved with funding from accounts such as FAU and LARS. The cost to improve residential streets is split between the property owners petitioning for the improvements and the City. The property owners share is 75%, while the City pays 25% of the cost. The City's share will come from Motor Vehicle Highway funds. All petitions from Colony Bay will be treated equally with other petitions in the City and honored according to the same criteria such as filing date and the amount of money available in any particular year. If annexed, the residents will be able to use Barrett Bonding as a capital source to finance their share of the street project.

ESTIMATED ANNUAL COST: \$2,850

#### G. PARKS

Residents of Colony Bay presently have access to City park facilities such as swimming pools, baseball diamonds, picnic facilities, golf courses, indoor and outdoor skating facilities, etc. After annexation, they will continue to have access to these facilities and, through the property tax, will contribute to their maintenance.

ESTIMATED ANNUAL COST: \$0

#### H. WATER

The Fort Wayne Water utility is presently serving 76 residential and 20 commercial units in the annexation area. If requested, the utility has the capacity and the capability to provide sufficient volumes of water to the remaining portions of the annexation area. The extension of water services to individual developments will be considered once the property owners in the area petition for such service. This procedure is the same as that being used by areas within the City. The property owners in the area must also finance the cost of the installation on either a cash basis, or with a mechanism similar to Barrett Bonding. The bonding procedure permits property owners to spread their payments for the installation costs over a ten-year period.

ESTIMATED ANNUAL COST: \$0

#### I. FIRE HYDRANTS

The Civil City of Fort Wayne pays the Fort Wayne Water Utility \$151.20 annually for each fire hydrant located within the City. Since the proposed annexation area contains 22 hydrants, the City will pay the utility \$3,326.40 a year after the area is annexed into the City.

ESTIMATED ANNUAL COST: \$3,326.40

#### J. ADMINISTRATIVE SERVICES

All administrative functions of the City will be available to the Colony Bay Annexation Area within one year after the annexation date. These services include, but are not limited to, the Law Department, the City Plan Commission, the Mayor's Office, the Board of Works, the Metropolitan Human Relations Department, etc. General administration includes all the regulatory and program functions of the various City departments. When the area is annexed, City departments will be notified and will expand their jurisdictional areas accordingly.

The costs of these services cannot be directly related to the size or population of an area. Consequently, this plan does not include cost estimates. However, the budgets of these departments are prepared with the expectation that the City will annex several areas during the budgetary period. Therefore, expansion of administrative functions is possible. Funding comes from a variety of sources, including the General Fund, the State, and the Federal Governments.

ESTIMATED ANNUAL COST: \$0

#### K. STORM SEWERS

Upon annexation, the Department will not consider capital improvements for storm sewers unless petitioned by the residents of the area. The City does not have storm sewer relief funds available for this type of project. It is the City's policy that the financing of storm sewers be the responsibility of property owners. Residents can pay through Barrett Law Assessments which allows payment over a ten-year period at an interest rate lower than that available on the open market.

When the Board of Works receives a petition from the affected property owners, it will direct the Department of Water Pollution Control to make an investigation of storm drainage conditions. Upon completion of the study, a contract for storm drainage construction may be let by the Board of Works.

ESTIMATED ANNUAL COSTS: \$0

#### L. STREET LIGHTING

Within a year after annexation, the Street Lighting Department will assume responsibility for operating and maintenance costs for the street lights that already exist in the annexation area. If the property owners petition for it, a street light will be installed by the City at the corner of Wilmarbee and Getz Road. The capital cost will be \$850 and the annual operating expense will be \$48, both of which will be paid for by the City.

If additional street lighting is desired, a valid petition must be filed. Once the petition has been received by the City, it will be placed on a waiting list. When street lights have been constructed for all requests that were received prior to the Colony Bay petition, construction will begin as soon as funds are available. The City will pay for the construction costs.

However, if residents desire ornamental street lighting (which also includes underground wiring), they will be responsible for paying the difference between regular street lights and ornamental street lights.

CAPITAL COST: \$0

ESTIMATED ANNUAL COST: \$0

M. SANITARY SEWERS

The annexation area is being served by Diversified Utilities and is outside the service area of the Fort Wayne Department of Water Pollution Control. Therefore, the city will not be responsible for providing sanitary sewers to this area.

ESTIMATED ANNUAL COST: \$0

## SECTION SIX - FINANCIAL SUMMARY AND RECOMMENDATION

The purpose of this section is to report the revenues and expenditures from the proposed Colony Bay annexation. This section will also provide a five-year summary of the expenditures compared with the revenues.

### A. REVENUES

Property taxes are the main source of revenue to be received from the Colony Bay Annexation Area. Property taxes are computed from the gross amount of assessed valuation in the area which can be obtained from the office of the Wayne Township Assessor. The formula for computing tax revenue is shown in Table 3.

Table 3

$$\frac{V-E}{100} (T) = TR$$

Where:

V = Assessed Valuation  
E = Home Mortgage Exemption (\$1,000)  
T = Tax Rate (3.4132)  
TR = Tax Revenue

### TAX REVENUE FORMULA

The total assessed valuation of the proposed Colony Bay annexation is \$4,027,340. Deducted from this figure is \$37,000 in home mortgage exemptions (37 dwelling units x \$1,000 mortgage exemption = \$37,000). This deduction leaves a net balance of \$3,990,340 which is then computed with the City's 1981 tax rate of \$3.4132 per \$100 in assessed valuation. The computation equals \$136,198 in personal and property tax revenues. Finally, a 20 percent individual tax credit is deducted from this figure. Therefore, the total amount of property tax revenue that will be paid by residents of this area will be \$108,958. The 20 percent deduction will be returned to Fort Wayne by the state with revenues raised by the state sales tax. The total revenues received by the City from this annexation will be \$136,198 when the property tax relief revenues from the state are received.

In addition to property taxes, the City receives revenues from Federal Revenue Sharing funds, the Community Development Block Grant, and the Local Road and Streets funds. These grants and funds are based in part on the City's population. Since population is only one element of a very complex distribution formula, the direct contribution of the Colony Bay annexation cannot be calculated. Still, these funds will increase with City population increases.

Table 4

FUND	TAX RATE
Corporation General	\$2.3610
Fire Pension	.1985
Police Pension	.2283
Redevelopment General	.0111
Redevelopment Bond	.0898
Park General	.3707
Sanitary Officer Pension	.0127
Public Transportation	.1001
Transportation	<u>.0410</u>
TOTAL	\$3.4132

## TAXING DISTRICT RATE

### B. EXPENDITURES

Expenditures that were reported in the section on Municipal Services are summarized in Table 5. Capital costs are separated from operating costs, and they are considered as maximum expenditures. Since the needs of the Colony Bay area must be treated equally with the needs of other areas in Fort Wayne, capital improvement projects such as the installation of streets, curbs, and sidewalks must follow routine City procedures which often require petitioning. Utility costs are not reported here as they are paid for by the property owners, and only after they request the improvements.

### C. FIVE YEAR SUMMARY

The Five Year Summary shows the projected expenditures compared with the tax revenues expected in the Colony Bay Annexation Area for the first five years after it is incorporated into the City of Fort Wayne.

The summary automatically includes for each of the five years an 11.7% inflation factor for municipal expenditures, and a 5% increase factor for City revenues. The 11.7% inflation factor is the median percent change of selected price indexes (Services and Fuel Costs) as calculated by the 1980 Statistical Abstract of the United States. The revenue factor is derived from the percent increase of assessed valuation in Indiana. This increase is applied to the City's allowed levy ceiling.

Table 6 includes both capital and operating costs in the estimated first year expenditures. Capital costs are a one time expenditure to upgrade the proposed annexation area.

Table 5

DEPARTMENT	CAPITAL COSTS	OPERATING COSTS
Police	\$ .00	\$ 2,409.50
Fire	\$ .00	\$ 230.00
EMS	\$ .00	\$ .00
Solid Waste Disposal	\$ .00	\$15,697.32
Traffic Control	\$ .00	\$ 686.75
Streets	\$ .00	\$ 2,850.00
Street Lighting	\$ .00	\$ .00
Parks	\$ .00	\$ .00
Water	\$ .00	\$ .00
Fire Hydrants	\$ .00	\$ 3,326.40
Sanitary Sewer	\$ .00	\$ .00
Storm Sewer	\$ .00	\$ .00
Admin. Functions	\$ .00	\$ .00
TOTAL	\$ .00	\$25,199.47

### EXPENDITURES IN THE ANNEXATION AREA

Property tax revenue from the annexation area will not be collected until 1984. Assuming the area is not annexed until December 31, 1982, assessment will not occur until March of 1983, with revenues being collected in 1984. Since revenues are not collected for one year after the effective date of the annexation, the City will experience a loss of \$34,554 in 1983. However, beginning in 1984, the amount of revenue will exceed the projected cost estimates to service the area.

Table 6

EXPENDITURES	PROPERTY TAX REVENUE	BALANCE
1983 \$25,199	\$	-\$ 25,199
1984 \$28,147	\$143,007	+\$114,860
1985 \$31,440	\$150,157	+\$118,717
1986 \$35,118	\$157,664	+\$122,546
1987 <u>\$39,226</u>	\$165,547	<u>+\$126,321</u>
TOTAL \$159,130	\$616,375	+\$457,245

### REVENUES MINUS EXPENSES

#### RECOMMENDATION

This fiscal plan, which meets the state law requirements that a fiscal plan be prepared, shows that the Colony Bay Annexation is in accordance with the applicable state statutes. In addition, it has been shown that the annexation area has a unity of interest with the City of Fort Wayne. Therefore, it is recommended that this area be annexed to the City with an effective annexation date of December 31, 1982, or sixty days after the Mayor of Fort Wayne signs the annexation ordinance, whichever is later.

#### Footnotes

<sup>1</sup> Annual Percent Change in Selected Price Indexes: 1960 to 1970, The 1980 Statistical Abstract of the United States, U.S. Department of Commerce, Bureau of the Census, 101st Edition, Table 794, p. 478.







# The City of Fort Wayne

OFFICE OF THE CITY CLERK

Charles W. Westerman, Clerk — Room 122

January 4, 1983

Ms. Linda King  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. King:

Please give the attached full coverage on the dates of January 8, 1983 and January 15, 1983, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. X-82-09-31  
(as amended) (as amended)  
Annexation Ordinance No. X-04-82

Please send 6 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

LEGAL NOTICE

Notice is hereby given that on the 28th day of December, 1982, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the Bill No. X-82-09-31 (AS AMENDED) (AS AMENDED) following X-04-82 Annexation Ordinance, to-wit:

(as amended) (as amended)  
1 BILL NO. X-82-09-31 (as amended) (as amended)

2 ANNEXATION ORDINANCE NO. X-04-82

3 AN ORDINANCE annexing certain territory  
4 commonly known as the Colony Bay Annexation  
5 Area to the City of Fort Wayne, Indiana  
6 and including the same in Councilmanic District  
7 No. 4.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
9 FORT WAYNE, INDIANA:

10 SECTION 1. That the following described territory be,  
11 and the same is hereby, annexed to and made a part of the cor-  
12 poration of the City of Fort Wayne, Indiana, to-wit:

13 Parts of Section 7 and 18, Township 30 North,  
14 Range 12 East, all in Allen County, Indiana;  
to-wit:

15 Commencing at the intersection of the north  
16 right-of-way line of Covington Road and the east  
17 right-of-way line of Getz Road; thence north along  
18 the east right-of-way line of Getz Road to the  
19 east-west center line of Section 7, Township  
20 30 North, Range 12 East; thence west along said  
21 east-west center line a distance of 80 feet to  
22 the west right-of-way line of Getz Road; thence  
23 north along said west right-of-way line a distance  
24 of 280 feet to the northeast corner of Lot #8  
25 Covington Acres Amended Addition to the City of  
26 Fort Wayne; thence west along the north line of  
27 said lot to the northwest corner of said Addition,  
28 which is also the northwest corner of said Lot  
#8; thence south along the west line of said  
Addition to the east-west center line of Section  
7, Township 30 North, Range 12 East; thence west  
on said center line to the Township Line which  
is also the west line of Section 7, Township 30  
North, Range 12 East; thence south on the Township  
Line to the north right-of-way line of Jefferson  
Blvd. (U.S. Highway 24); thence northeasterly along  
said right-of-way line to the north right-of-way  
line of Covington Road; thence west along said  
north right-of-way line to the point of beginning.  
The area contains 177.41 acres, more or less.

29 SECTION 2. The City of Fort Wayne will furnish the  
30 above described territory within a period of one (1) year from  
31 the effective date of annexation, planned services of a non-  
32 capital nature, including police protection, fire protection,

1 street and road maintenance, in a manner which is equivalent in standard and  
2 scope to that provided for in the City of Fort Wayne, Indiana, for the same.

Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	_____
Head number of lines	<u>1</u>
Body number of lines	<u>224</u>
Tail number of lines	<u>2</u>
Total number of lines in notice	<u>227</u>

## COMPUTATION OF CHARGES

227 lines, 1 columns wide equals 227 equivalent lines at 323 \$ 73.32  
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TOTAL AMOUNT OF CLAIM. \$ 75.32

## DATA FOR COMPUTING COST

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Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Barbara Anderson*

Date Jan. 15, 1983

Title CLERK

Form 904

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Barbara Anderson who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

January 8-15, 1983

Subscribed and sworn to before me this 15th day of Jan. 19 83

My commission expires November 29, 1985

## LEGAL NOTICE

Notice is hereby given that the 28th day of December, 1983, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-82-09-31 (AS AMENDED) following X-04-82 Annexation Ordinance (AS AMENDED), to-wit:

BILL NO. X-82-09-31 (AS AMENDED) - ANNEXATION ORDINANCE NO. X-04-82 (AS AMENDED)

AN ORDINANCE annexing certain territory commonly known as the Colony Bay Annexation Area to the City of Fort Wayne, Indiana, and including the same in Councilmatic District No. 4.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to it to make a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Parts of Section 7 and 18, Township 30 North, Range 12 East, all in Allen County, Indiana, to-wit:

Commencing at the intersection of the north right-of-way line of Covington Road and the east right-of-way line of Getz Road; thence north along the east right-of-way line of Getz Road to the east-west center line of Section 7, Township 30 North, Range 12 East; thence west along said east-west center line a distance of 80 feet to the west right-of-way line of Getz Road; thence north along said west right-of-way line a distance of 280 feet to the northeast corner of Lot 8 Covington Acres Amended Addition to the City of Fort Wayne; thence west along the north line of said lot to the northwest corner of said Addition, which is also the northwest corner of said Lot 8; thence south along the west line of said Addition to the east-west center line of Section 7, Township 30 North, Range 12 East; thence west on said center line to the Township Line which is also the west line of Section 7, Township 30 North, Range 12 East; thence south on the Township East line to the north right-of-way line of Line to the north right-of-way line of Jefferson Blvd. (U.S. Highway 24); thence northeasterly along said right-of-way line to the north right-of-way line of Covington Road; thence west along said north right-of-way line to the point of beginning. The line to the point of beginning. The area contains 177.41 acres, more or less.

SECTION 2. The City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City provided that similar topography, patterns of land utilization, and population density to the said described territory. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 3. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 4. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 5. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

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SECTION 7. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 8. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 9. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 10. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 11. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 12. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 13. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 14. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 15. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 16. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 17. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 18. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 19. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 20. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 21. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 22. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 23. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 24. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 25. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 26. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 27. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 28. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 29. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 30. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 31. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 32. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 33. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 34. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

SECTION 35. The City of Fort Wayne will also provide services of a capital nature, including street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three years of the effective date of annexation.

northwest corner of said lot, thence south along the west line of said Addition to the east-west center line of Section 7, Township 30 North, Range 12 East; thence west on said center line to the Township Line which is also the west line of Section 7, Township 30 North, Range 12 East; thence south on the Township Line to the north right-of-way line of Line to the north right-of-way line of Jefferson Blvd. (U.S. Highway 24); thence northeasterly along said right-of-way line to the north right-of-way line of Covington Road; thence west along said north right-of-way line to the point of beginning. The area contains 177.41 acres, more or less.

SECTION 2. The City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan adopted by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of City Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division 1, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne of 1974, as amended.

SECTION 5. After its passage, approval by the Mayor, final publication, and the required sixty (60) days remonstrance period, this Ordinance shall be in full force and effect in December 31, 1984, except for the following described territory in which case it shall be in full force and effect on December 31, 1986:

Part of the Fractional Northwest Quarter of Section 18, Township 30 North, Range 12 East, Allen County, Indiana described as follows to-wit: Commencing at the Northwest corner of said Fractional Quarter Section; thence East on the North line of said Quarter Section as defined by the centerline of the Covington Road, a distance of 956.5 feet; thence Southeast by a deflection right of 54 degrees 14 minutes, a distance of 205 feet; thence Northeast by a deflection right of 86 degrees 48 minutes, a distance of 16.5 feet; thence Southeast by a deflection right of 90 degrees 00 minutes along the centerline of the Fishug Drain, a distance of 339.2 feet; thence Southwest by a deflection right of 86 degrees 43 minutes, a distance of 250.1 feet; thence continuing Southwesterly, a distance of 68.1 feet to a point situated 179.3 feet Northwest of the right-of-way line of U.S. Highway No. 24, now known as West Jefferson Boulevard; thence continuing Southwest, a distance of 424.9 feet to a point situated 200 feet Northwest of said right-of-way line; thence Southeast by a deflection left 90 degrees 16 minutes, a distance of 200.0 feet to the said right-of-way line of U.S. Highway No. 24; thence South 51 degrees West by a deflection right of 89 degrees 31 minutes on the right-of-way line aforesaid, a distance of 667.4 feet; thence continuing South 57 degrees West on said right-of-way line, a distance of 148 feet; thence continuing South 51 degrees West on said right-of-way line, a distance of 203 feet to the West line of said Quarter Section; thence North on the line aforesaid, a distance of 1685.3 feet to the point of beginning, containing 31 acres, more or less.

Janet G. Bradbury  
Councilmember

Read the third time in full and on motion by Bradbury, seconded by GiaQuinta, and duly adopted, place on its passage. PASSED by the following vote:

Ayes: Nine  
Bradbury, Burns, Eisbart, Gia-Quinta, Schmidt, Schomburg, Scruggs, Stier, Talarico  
Nays: None

Date: 12-8-82

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-04-82 on the 28th day of December, 1982.

ATTEST:

Charles W. Westerman  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and complete foregoing is a full, true and complete copy of Annexation Ordinance No. X-04-82 passed by the Common Council on the 28th day of December, 1982, and that said Ordinance was duly signed and approved by the Mayor on the 3rd day of January, 1983 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 3rd day of January, 1983.

CHARLES W. WESTERMAN  
CITY CLERK







undersigned. Barbara Anderson, who, being duly sworn, has said that she is CLERK of the

### NEWS-SENTINEL

### DAILY

a newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

January 8-15, 1983

Subscribed and sworn to before me this 15th day of Jan, 1983

Notary Public  
November 29, 1985

My commission expires

### LEGAL NOTICE

Notice is hereby given that the 28th day of December, 1983, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-82-09-31 (AS AMENDED) following X-04-82 Annexation Ordinance (AS AMENDED), to-wit:

BILL No. X-82-09-31 (AS AMENDED) - ANNEXATION ORDINANCE No. X-04-82 (AS AMENDED)

AN ORDINANCE annexing certain territory commonly known as the Colony Say Annexation Area to the City of Fort Wayne, Indiana and including the same in Councilmatic District No. 4.

BEFORE AND BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit: Parts of Section 7 and 18, Township 30 North, Range 12 East, all in Allen County, Indiana, to-wit:

Commencing at the intersection of the north right-of-way line of Covington Road and the east right-of-way line of Getz Road; thence north along the east right-of-way line of Getz Road; thence north along the east-west center line of Section 7, Township 30 North, Range 12 East; thence west along said east-west center line a distance of 80 feet to the west right-of-way line of Getz Road; thence north along said west right-of-way line a distance of 280 feet to the northeast corner of Lot 8 Covington Acres; thence south along the west line of said Addition to the east-west center line of Section 7, Township 30 North, Range 12 East; thence west on said center line to the Township Line which is also the west line of Section 7, Township 30 North, Range 12 East; thence south along Township Line to the north right-of-way line of Jefferson Blvd. (U.S. Highway 24); thence northeasterly along said right-of-way line to the north right-of-way line of Covington Road; thence west along said north right-of-way line to the point of beginning. The area contains 177.41 acres, more or less.

SECTION 2. The City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-accepted nature, including police protection, fire protection, street and road maintenance, in a manner which is equivalent in standard and scope to those noncapital services provided to areas within the City which have similar topography, population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and

Joel G. Bradbury  
Councilmember  
Read the third time in full and on motion by Bradbury, seconded by Guadalupe, and duly adopted, place on its passage, PASSED by the following vote:

Ayes: Nine  
Bradbury, Burns, Elsbart, Guadalupe, Schmidt, Schomburg, Scruggs, Siler, Talarico, Neys: None  
Dile: 12-8-82

Charles W. Westerman  
Peased and adopted by the City Clerk  
Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-04-82 on the 28th day of December, 1982.

ATTEST:  
Sherrie W. Westerman  
City Clerk

Sherrie J. Talarico  
Presiding Officer  
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk  
Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor  
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-04-82 passed by the Common Council on the 28th day of December, 1982, and that said Ordinance was duly signed and approved by the Mayor on the 3rd day of January, 1983 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 3rd day of January, 1983.

CHARLES W. WESTERMAN  
CITY CLERK